


|  |   |   |   |
|--|---|---|---|
| FORM PTO-1390<br>REV. 2/01T  |   | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE   | CUSTOMER NO. 22,852   |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>                          |   |   | ATTORNEY'S DOCKET NUMBER<br><b>09617.0001</b>   |
|  |   |   | U.S. APPLICATION NO.<br>(If known, see 37 CFR 1.55) <b>10/510627</b>  |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/JP03/04531</b>   | INTERNATIONAL FILING DATE<br><b>April 9, 2003</b> | PRIORITY DATE CLAIMED<br><b>April 9, 2002</b>   |   |
| <b>TITLE OF INVENTION</b><br><b>METHOD OF JUDGING LEUKEMIA, PRE-LEUKEMIA OR ALEUKEMIC MALIGNANT BLOOD DISEASE AND DIAGNOSTIC THEREFOR</b>                    |   |   |   |
| <b>APPLICANT(S) FOR DO/EO/US</b><br><b>Kiyoshi ANDO, Tomomitsu HOTTA, Chie ITO, Hidenao SATO, Akiko FURUYA, Kenya SHITARA, Seiji SUGIMOTO, Hiroaki KOHNO</b> |   |   |   |
| Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:                           |   |   |   |
| 1.   | <input checked="" type="checkbox"/>               | This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.   |   |
| 2.   | <input type="checkbox"/>                          | This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.   |   |
| 3.   | <input type="checkbox"/>                          | This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. |   |
| 4.   | <input checked="" type="checkbox"/>               | The US has been elected by the expiration of 19 months from the priority date (Article 31).   |   |
| 5.   | <input checked="" type="checkbox"/>               | A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).  |   |
|  | a.  | <input type="checkbox"/>  | is attached hereto (required only if not communicated by the International Bureau).                             |
|  | b.  | <input checked="" type="checkbox"/>   | has been communicated by the International Bureau.  |
|  | c.  | <input type="checkbox"/>  | is not required, as the application was filed with the United States Receiving Office (RO/US).                  |
| 6.   | <input checked="" type="checkbox"/>               | An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).   |   |
|  | a.  | <input checked="" type="checkbox"/>   | is attached hereto.   |
|  | b.  | <input type="checkbox"/>  | has been previously submitted under 35 U.S.C. 154 (d)(4).   |
| 7.   | <input checked="" type="checkbox"/>               | Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).  |   |
|  | a.  | <input type="checkbox"/>  | are attached hereto (required only if not communicated by the International Bureau).                            |
|  | b.  | <input type="checkbox"/>  | have been communicated by the International Bureau.   |
|  | c.  | <input type="checkbox"/>  | have not been made; however, the time limit for making such amendments has NOT expired.                         |
|  | d.  | <input checked="" type="checkbox"/>   | have not been made and will not be made.  |
| 8.   | <input type="checkbox"/>                          | An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).  |   |
| 9.   | <input type="checkbox"/>                          | An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).   |   |
| 10.  | <input type="checkbox"/>                          | An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).                   |   |
| <b>Items 11 to 20 below concern document(s) or information included:</b>   |   |   |   |
| 11.  | <input checked="" type="checkbox"/>               | Information Disclosure Statement under 37 CFR 1.97 and 1.98   |   |
| 12.  | <input type="checkbox"/>                          | An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.   |   |
| 13.  | <input type="checkbox"/>                          | A FIRST preliminary amendment.  |   |
| 14.  | <input type="checkbox"/>                          | A SECOND or SUBSEQUENT preliminary amendment.   |   |
| 15.  | <input type="checkbox"/>                          | A Substitute specification.   |   |
| 16.  | <input type="checkbox"/>                          | A change of power of attorney and/or address letter.  |   |
| 17.  | <input checked="" type="checkbox"/>               | A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.   |   |
| 18.  | <input type="checkbox"/>                          | A second copy of the published international application under 35 U.S.C. 154 (d)(4).  |   |
| 19.  | <input type="checkbox"/>                          | A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).  |   |
| 20.  | <input checked="" type="checkbox"/>               | Other items or information:   |   |
|  | a.  | <input checked="" type="checkbox"/>   | Copy of cover page of International Publication No. WO 03/085399 A1   |
|  | b.  | <input type="checkbox"/>  | Copy of Notification of Missing Requirements.   |
|  | c.  | <input checked="" type="checkbox"/>   | Sequence Listing in Written form consisting of 8 sheets   |
|  | d.  | <input checked="" type="checkbox"/>   | Statement Under 37 CFR § 1.821  |
|  | e.  | <input checked="" type="checkbox"/>   | Translation of receipt in the case of a microorganism, accession nos. FERM BP-7922, FERM BP-7923, FERM BP-7924. |

|   |              |  |           |   |                  |
|---|--------------|--|-----------|---|------------------|
| U.S. APPLICATION NO. (If known, see 37CFR 1.5)<br><b>10/510627</b>  |              | INTERNATIONAL APPLICATION NO.<br><b>PCT/JP03/04531</b> |           | ATTORNEY'S DOCKET NUMBER<br><b>09617.0001</b>   |                  |
| 21. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b><br><br>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b><br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$750.00</b><br><br>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) ..... <b>\$100.00</b><br><br><div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div> |              |  |           | CALCULATIONS PTO USE ONLY   |                  |
|   |              |  |           |   |                  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <span style="margin-left: 20px;"><input type="checkbox"/> 20</span> <span style="margin-left: 20px;"><input type="checkbox"/> 30</span> months from the earliest claimed priority date (37 CFR 1.492 (e)).  |              |  |           | \$  |                  |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA   | RATE      |   |                  |
| Total Claims  | 45           | - 20 =   | 25        | x \$18.00   | \$ 450.00        |
| Independent Claims  | 11           | - 3 =  | 8         | x \$88.00   | \$ 704.00        |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |  | +\$300.00 |   | \$ 300.00        |
| <b>TOTAL OF THE ABOVE CALCULATIONS =</b>  |              |  |           |   | <b>\$2404.00</b> |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |           | \$  |                  |
| <b>SUBTOTAL =</b>   |              |  |           |   | <b>\$2404.00</b> |
| Processing fee of \$130.00 for furnishing the English translation later than <span style="margin-left: 20px;"><input type="checkbox"/> 20</span> <span style="margin-left: 20px;"><input type="checkbox"/> 30</span> months from the earliest priority date (37 CFR 1.492(f)).  |              |  |           | \$  |                  |
| <b>TOTAL NATIONAL FEE =</b>   |              |  |           |   | <b>\$2404.00</b> |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property.   |              |  |           | \$  |                  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |  |           |   | <b>\$2404.00</b> |
|   |              |  |           | Amount to be refunded:  | \$               |
|   |              |  |           | charged:  | \$               |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>2404.00</u> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.   |              |  |           |   |                  |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.  |              |  |           |   |                  |
| <b>SEND ALL CORRESPONDENCE TO:</b><br>Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.<br>1300 I Street, N.W.<br>Washington, D.C. 20005-3315  |              |  |           |   |                  |
| DATED: October 8, 2004  |              |  |           | <div style="text-align: center;"> <br/>           SIGNATURE<br/>           Ernest F. Chapman<br/>           NAME/REGISTRATION NO. 25,961         </div> |                  |